



BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY
FEDERAL ENERGY REGULATORY COMMISSION

Hawks Nest Hydro, LLC

Project No. 2512-069
Project No. 14439-000

NOTICE OF INTENT TO FILE LICENSE APPLICATION, FILING OF PRE-APPLICATION DOCUMENT (PAD), COMMENCEMENT OF PRE-FILING PROCESS, AND SCOPING; REQUEST FOR COMMENTS ON THE PAD AND SCOPING DOCUMENT, AND IDENTIFICATION OF ISSUES AND ASSOCIATED STUDY REQUESTS

- a. Type of Filing: Notice of Intent to File License Application for a New License and Commencing Pre-filing Process
- b. Project No.: 2512-069 and P-14439-000
- c. Dated Filed: July 24, 2012
- d. Submitted By: Hawks Nest Hydro, LLC
- e. Name of Project: Hawks Nest Hydroelectric Project (P-2512-069) and Glen Ferris Hydroelectric Project (P-14439-000)
- f. Location: Hawks Nest Hydroelectric Project is on the New River in the vicinity of the Town of Gauley Bridge, and Glen Ferris Hydroelectric Project is on the Kanawha River in the vicinity of the Town of Glen Ferris, both within Fayette County, West Virginia. The projects do not affect federal lands.
- g. Filed Pursuant to: 18 CFR Part 5 of the Commission's Regulations
- h. Potential Applicant Contact: Mr. David Barnhart, Director of Operations, Hawks Nest Hydro, LLC, Brookfield Renewable Energy Group, 326 Third Avenue, Suite 201, Montgomery, WV 25136-2200; at (304) 442-5120, ext. 7266.
- i. FERC Contact: Monir Chowdhury at (202) 502-6736 or e-mail at monir.chowdhury@ferc.gov.
- j. Cooperating agencies: Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate

in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

- k. With this notice, we are initiating informal consultation with: (a) the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and (b) the State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.
- l. With this notice, we are designating Hawks Nest Hydro, LLC as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.
- m. Hawks Nest Hydro, LLC filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.
- n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCONlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

- o. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document (SD), as well as study requests. All comments on the PAD and SD, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission. Documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/efiling.asp>.

[filing/ecomment.asp](#). You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

All filings with the Commission must include on the first page, the project name (Hawks Nest Hydroelectric Project and/or Glen Ferris Hydroelectric Project) and number (P-2512-069 and/or P-14439-000), and bear the appropriate heading: “Comments on Pre-Application Document,” “Study Requests,” “Comments on Scoping Document,” “Request for Cooperating Agency Status,” or “Communications to and from Commission Staff.” Any individual or entity interested in submitting study requests, commenting on the PAD or SD, and any agency requesting cooperating status must do so by **November 21, 2012**.

- p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, this meeting will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the projects at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Evening Scoping Meeting

Date: Wednesday, October 17, 2012

Time: 7:00 p.m. (EST)

Location: Hawks Nest State Park Lodge
49 Hawks Nest Park Road,
Ansted, WV 25812

Phone: (304) 658-5212

Daytime Scoping Meeting

Date: Thursday, October 18, 2012

Time: 10:00 a.m. (EST)

Location: Hawks Nest State Park Lodge
49 Hawks Nest Park Road,
Ansted, WV 25812

Phone: (304) 658-5212

The Scoping Document (SD), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of the SD will be available at the scoping meetings, or may be viewed on the web at <http://www.ferc.gov>, using the "eLibrary" link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a revised SD may be issued which may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Site Visit

The potential applicant and Commission staff will conduct a site visit of the projects on Wednesday, October 17, 2012, starting at 9:00 a.m. All participants should meet at 9:00 a.m. at the parking lot of Hawks Nest State Park Lodge, 49 Hawks Nest Park Road, Ansted, WV 25812. All participants are responsible for their own transportation. Anyone with questions about the site visit should contact Mr. David Barnhart at (304) 442-5120 (ext. 7266) or David.Barnhart@brookfieldrenewable.com on or before October 12, 2012.

Meeting Objectives

At the scoping meetings, staff will: (1) initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD are included in item n. of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the projects.

Dated: September 20, 2012

Kimberly D. Bose,
Secretary.

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am; Publication Date: 09/27/2012]